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SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. CISSÉ (Senegal)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 93: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/49/18, A/49/287-S/1994/894, A/49/403, A/49/404, A/49/462, A/49/464)

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1. Mr. BRUZ (Ukraine) said that, in spite of the positive changes observed in South Africa, the complete eradication of all forms of racism, racial discrimination, xenophobia and intolerance continued to be an urgent task for the international community. His delegation welcomed the proclamation by the General Assembly at its forty-eighth session of the Third Decade to Combat Racism and Racial Discrimination and the relevant Programme of Action.

2. The holding of free, non-racial elections in South Africa for the first time was evidence that the process of eliminating apartheid, one of the worst manifestations of racism, was now irreversible. Ukraine was proud of the active role it had played as Vice-Chairman of the Special Committee against Apartheid.

3. No country in the world was exempt from manifestations of racism, racial discrimination and xenophobia. Today, they primarily affected ethnic minorities, indigenous populations, migrant workers, refugees and religious groups and were fraught with threats to peace and security at the national and international levels. Ukraine therefore supported the formulation of a conceptual approach to define the full range of such new forms of discrimination, which were often insidious and subtle. Ukraine also urged all States to cooperate with the Special Rapporteur, particularly in the implementation of Commission on Human Rights resolution 1994/64, entitled "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance", in which the Commission officially condemned anti-Semitism for the first time.

4. Faced with the recent intensification of ethnic conflicts, the General Assembly, in resolution 47/80, entitled "'Ethnic cleansing' and racial hatred", which had been co-sponsored by Ukraine, had condemned the policy of ethnic cleansing in the territory of the former Yugoslavia. Ukraine welcomed the establishment of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and considered that any violation of such law in any part of the world should be condemned.

5. The International Convention on the Elimination of All Forms of Racial Discrimination continued to be the basis for international cooperation in the struggle against racism and racial discrimination. Ukraine consequently urged States parties to play a more active role in its implementation, since the universalization of the Convention would provide a strong impulse to the attainment of its objectives. At the beginning of the year, the Parliament of

Ukraine had accepted an amendment to article 8 of the Convention approved by the Fourteenth Meeting of States Parties and by the General Assembly in resolution 47/78.

6. In conclusion, he said that there were no reports in Ukraine of serious cases of discrimination, hostility and violence on grounds of race or national or ethnic origin, or manifestations of anti-Semitism or anti-Russian feeling, regarded as offences under national legislation. His Government had taken measures to reach a civilized settlement of the problems raised by the groups of Crimean Tatars, Germans and persons of other nationalities deported from the territory of Ukraine by the former Communist regime.

7. Mr. SCHNYDER VON WARTENSEE (Observer for Switzerland) said that the Swiss people had just accepted new criminal legislation against racial discrimination, considered by his country's Government to be the prerequisite for the fulfilment of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. His Government would consequently be notifying the Secretary-General in the near future of Switzerland's accession to the Convention.

8. Switzerland was already a Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The most recent accession was evidence of his country's determination to combat racial discrimination throughout the world.

9. Mr. CALOVSKY (Former Yugoslav Republic of Macedonia) said that the struggle to eliminate racism and racial discrimination should continue with determination, drawing inspiration from the victory over apartheid in South Africa.

10. In the aftermath of the cold war, racism had reached dangerous proportions, even in societies considered to be tolerant and democratic. It was now imperative for the United Nations to take up the fight against racism as it had done against apartheid. The victims of racism, xenophobia and other forms of intolerance could be nations, national or ethnic minorities or individuals, their manifestations were violence, genocide or political, social, economic, cultural, religious and other violations, and their perpetrators could be Governments or individuals.

11. In the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, it was stated that human rights and fundamental freedoms were the birthright of all human beings and that it was the prime responsibility of Governments to protect them. The United Nations should ensure that Governments fulfilled their obligations under the Charter and international law. Governments, for their part, should proceed very responsibly when taking political or administrative measures that might benefit one national or ethnic group to the detriment of another.

12. The United Nations had so far not been able to formulate an effective and comprehensive policy on national or ethnic minorities and migrant workers, groups which were currently victims of racism and xenophobia. National minorities should be viewed as assets rather than problems; in that manner they could contribute to good-neighbourly relations instead of being a source of conflict.

13. The Committee on the Elimination of Racial Discrimination had achieved important results in monitoring compliance by Member States with the Convention; nevertheless, in future the Committee should concentrate more on the situation of national or ethnic minorities and should pay serious attention to any governmental decision that might constitute a violation of the human rights of those groups.

14. With regard to agenda item 94 (Right of peoples to self-determination), the development of friendly relations among nations on the basis of the principles of equal rights and self-determination of peoples, a fundamental objective of the Charter of the United Nations, was still as relevant as it had been 50 years earlier. Member States must settle their disputes by peaceful means in order not to threaten international peace and security and justice. They should not tolerate any measures intended to destabilize, negate, exploit or deny national identities. The Charter of the United Nations advocated unity in diversity, not exclusivity and discrimination.

15. Some representatives continued to refer to "the former Yugoslavia" when speaking of armed conflicts or ethnic cleansing. Since there were no armed conflicts or ethnic cleansing in the Republic of Macedonia, the correct name should be used.

16. Mr. DIOP (Senegal) said that in a new era where the re-emergence of traditional ethnic, religious and national rivalries was threatening the stability and security of various parts of the world, and where a deteriorating socio-economic situation provided fertile ground for the recrudescence and spread of racist and xenophobic tendencies, the United Nations, the Committee on the Elimination of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination were of particular importance.

17. In the wake of the explosion of ethnic violence in Rwanda, which had reached genocidal proportions, Senegal, which had from the start been determined to achieve a peaceful and negotiated settlement to the crisis, regretted that the international community had failed to mobilize in time the resources needed to ensure the effective application of the Arusha Peace Agreement. The situation in Burundi was also cause for serious concern because it combined elements that could lead to a repetition of the bloody events in Rwanda. A return to peace and stability in both countries required a solution which would promote national reconciliation on the basis of the effective implementation of the Arusha Peace Agreement, support for the consolidation of the democratic process in Burundi and the promotion of respect for human rights.

18. In light of the recent report of the group of experts appointed by the Secretary-General to examine violations of international humanitarian law in Rwanda, and given the increase in racially motivated killings and atrocities in various regions of the world, his country fully endorsed the Committee's recommendation to establish an international tribunal to judge crimes against humanity.

19. In that regard, his delegation was seriously concerned about the current situation in the republics of the former Yugoslavia, in particular in Bosnia and Herzegovina, where, according to the most recent information from the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross, Serbian forces continued their odious campaign of "ethnic cleansing" and genocide against defenceless civilians. The international community must see to it that law and justice prevailed over brute force and aggression. As to those suspected of such crimes, they must appear before the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established under Security Council resolution 827 (1993).

20. In the last six months the world had witnessed historic events that had turned the page once and for all on the dark chapter of apartheid in South Africa. The first democratic elections held in that country represented a victory for those who had dedicated their lives to the cause of freedom and racial equality and to the construction of a united and democratic society, capable of contributing to international peace, security and cooperation. The United Nations had played a fundamental role over the past four decades in the efforts to restore the dignity and human rights of the South African people.

21. With the signing of the Peace Accords in Washington, D.C., a peace process in the Middle East had been launched which would lead to a comprehensive, just and durable solution to the question of Palestine, based on the relevant resolutions of the Security Council. It was time for the Palestinian people to exercise its inalienable right to self-determination and to the establishment of an independent State in its occupied territory.

22. Nevertheless, the positive developments in South Africa and the Middle East must not overshadow the worrisome persistence of racial discrimination in many parts of the world and, in particular, the emergence of new forms of racism, intolerance and xenophobia, the victims of which were generally minorities, migrant workers and refugees.

23. Senegal would make every effort to cooperate with the United Nations and in particular with the United Nations High Commissioner for Human Rights to ensure the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

24. Ms. DOUTIS (Greece), speaking in exercise of the right of reply and referring to the statement made by the representative of the former Yugoslav Republic of Macedonia, said that in its resolution 817 (1993), the Security

Council had decided that the State in question would provisionally be referred to as "the former Yugoslav Republic of Macedonia" pending settlement of the difference that had arisen over the name, which had not yet occurred.

25. Mr. CALOVSKI (Former Yugoslav Republic of Macedonia) said that, as in the past, the representative of Greece was misconstruing the Security Council resolution; his country was the Republic of Macedonia and not the former Yugoslav Republic of Macedonia as it was known within the United Nations. Representatives were free to use, if they chose, the true constitutional name of the State; they were not bound under the resolution to employ the provisional name.

26. Ms. DOUTIS (Greece) said that the text of the resolution was clear and that it would have no meaning if the name of the State was changed.

The meeting rose at 4.05 p.m.